

REMARKS

In the amendments herein, claims 21 and 22 have been canceled without prejudice, disclaimer, or waiver; and claims 30 and 31 have been added. Specifically, claims 21 and 22 have been rewritten as new claims 30 and 31, respectively, in order to avoid any perceived dependency issues. Also, claim 11 has been amended to clarify the scope of the claim and has not been changed because of reasons related to patentability. Claims 1-7, 10-16, 19, 20, 25, and 27-31 are now pending in the present application.

I. Allowable Subject Matter

Applicants wish to express their appreciation to the Examiner for indicating the presence of allowable subject matter. Specifically, claims 1-7, 10, 16, 19, 20, 27, and 28 have been allowed over the prior art of record.

II. Response to Claim Objection

The Office Action objected to claims 21 and 22 as allegedly being in improper dependent form. In response thereto, Applicants, although traversing the objection, have canceled these claims and rewritten them as new claims 30 and 31 to resolve the issue. Applicants contend that the objection has therefore been overcome.

III. Response to 35 U.S.C. §102 Rejection

Claims 11-13 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by *Hedberg* (U.S. Patent No. 5,526,361). Applicants respectfully traverse this rejection because *Hedberg* fails to disclose each and every feature of independent claim 11, as amended.

Claim 11: A method for *detecting and eliminating clocking errors in the synchronization of a DTE (data terminal equipment) data signal with a DCE (data communication equipment) clocking signal* in a communication environment wherein the DCE interfaces the DTE to a communication channel, the method comprising the steps of:

providing an internal clocking signal having the same frequency as the DCE clocking signal;

obtaining a first sample of said DTE data signal at a first time and a second sample of said DTE data signal at a second time, said second time being subsequent to said first time, the time interval between said first time and said second time being less than the period of the DCE clocking signal;

comparing said first sample to said second sample;

determining whether the DTE data signal has undergone a transition during the time interval between the first time and the second time, a transition being determined when said first sample is not equal to said second sample, *wherein the transition is indicative of a clocking error*; and

eliminating a detected clocking error by inverting either one of the DCE clocking signal or internal clocking signal.

(Emphasis added)

Claim 11 is directed to a method for detecting and eliminating clocking errors in the synchronization of a DTE (data terminal equipment) data signal with a DCE (data communication equipment) clocking signal in a communication environment wherein the DCE interfaces the DTE to a communication channel. It should further be noted that the present claim defines a transition in the DTE data signal during the time interval between the first time and the second time to be indicative of a clocking error. *Hedberg*, on the other hand, appears to be silent concerning DCE interfacing DTE to a communication channel and is therefore not concerned with determining the type of clocking errors that might become a problem in this environment. For example, these clocking errors may result from delays as explained in the specification on p. 2, line 25 through p. 3, line 9. Also, Applicants assert that the clocking signals of *Hedberg* are not "**DCE clocking signal**" as defined in the claims.

In addition, claim 11 includes "*eliminating a detected clocking error by inverting either one of the DCE clocking signal or internal clocking signal.*" *Hedberg* does not

disclose eliminating a clocking error by inverting a clocking signal. Instead, *Hedberg* appears to slightly increase or decrease the clock phase to align clocking signals.

For at least these reasons, Applicants assert that claim 11 is allowable over *Hedberg* and respectfully requests that the rejection be withdrawn. Also, dependent claims 12 and 13 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 11. Furthermore, Applicants contend that the dependent claims include additional features that are not disclosed by *Hedberg*.

IV. Response to 35 U.S.C. §103 Rejection

Claims 14, 15, 25, and 29 stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over *Hedberg*. Also, claim 11 stands rejected under 35 U.S.C. §103 as allegedly being unpatentable over *Guttag et al.* (U.S. Patent No. 6,232,955). Applicants respectfully traverse these rejections on the grounds that these references fail to teach or suggest each and every feature of independent claim 11. Also, Applicants assert that the prior art does not provide any motivation to modify the references or combine reference teachings as suggested in the Office Action.

A. Hedberg

Applicants assert that independent claim 11 is allowable of *Hedberg*, as mentioned above. Furthermore, Applicants assert that *Hedberg* does not suggest modifying the reference to include “*eliminating a detected clocking error by inverting either one of the DCE clocking signal or internal clocking signal,*” as claimed. Not only this, but *Hedberg* also lacks motivation to make such a modification.

For at least this reason, Applicants respectfully assert that claim 11 is allowable over *Hedberg* and that dependent claims 14, 15, 25, and 29 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 11. Furthermore, Applicants disagree with the statements in the Office Action concerning these dependent claims and contend that they include additional features that are not disclosed by *Hedberg*. Therefore, Applicants respectfully request that the Examiner kindly withdraw the rejection.

B. Guttag et al.

Applicants assert that claim 11 is allowable over *Guttag et al.* because this reference fails to teach or suggest each and every element of the claim. First, the Office Action seems to suggest that the preamble is not afforded patentable weight. Applicants disagree since reference is made in the body of claim 11 to aspects of the preamble to thereby breathe life into the preamble. For example, the body of the claim recites the “DCE clocking signal” and the “DTE data signal,” which are defined in the preamble.

Also, claim 11 is believed to be allowable over *Guttag et al.* since this reference fails to teach or suggest several aspects of claim 11. For example, *Guttag et al.* does not disclose at least the following claimed elements:

comparing said first sample to said second sample;

determining whether the DTE data signal has undergone a transition during the time interval between the first time and the second time, a transition being determined when said first sample is not equal to said second sample, wherein the transition is indicative of a clocking error; and

eliminating a detected clocking error by inverting either one of the DCE clocking signal or internal clocking signal.

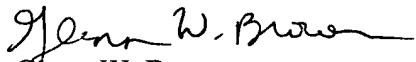
Furthermore, not only does not *Guttag et al.* fail to disclose every aspect of the claim, but also the reference fails to provide any motivation to modify the reference in any way that would lead one of ordinary skill in the art to Applicant’s invention. It is impermissible to use hindsight of Applicant’s own invention to reconstruct the claimed invention when the prior art fails to provide a motivation to modify a reference or combine teachings.

For at least these reasons, Applicants assert that claim 11 is allowable over *Guttag et al.* and respectfully requests that the rejection be withdrawn.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed or accommodated, and that the pending claims 1-7, 10-16, 19, 20, 25, and 27-31 are in condition for allowance. Favorable reconsideration and allowance of the present application and pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,


Glenn W. Brown
Reg. No. 51,310

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 08-13-04.

Evelyn Sanders
Signature -